

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CAROLYN JANE FLORIMONTE,

Plaintiff,

V.

BOROUGH OF DALTON,

Defendant.

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3:17-CV-1063  
(JUDGE MARIANI)

ORDER

AND NOW, THIS 9<sup>th</sup> DAY OF FEBRUARY, 2018, upon *de novo* review of  
Magistrate Judge Saporito's Report & Recommendation, (Doc. 14), **IT IS HEREBY**

**ORDERED THAT:**

1. The Report & Recommendation ("R&R"), (Doc. 14), is **ADOPTED** for the reasons stated therein.
2. Plaintiff's Objections, (Docs. 15, 17), are **OVERRULED**. As the Third Circuit has previously concluded, "Florimonte's action is barred by the doctrine of res judicata. She is suing the same defendants over the same set of facts and raising the same claims that were previously decided on the merits or claims that could have been raised in her first action." *Florimonte v. Borough of Dalton*, 603 F. App'x 67, 68 (3d Cir. 2015). The R&R correctly determined, for the reasons stated therein, that Plaintiff's late invocation of inadequately pleaded allegations of fraud do not upset the Third Circuit's conclusion.

3. Defendant's Motion to Dismiss and Motion for Sanctions, (Doc. 5), is **GRANTED IN PART AND DENIED IN PART** as follows:

a. Defendant's Motion to Dismiss is **GRANTED**. Plaintiff's Amended Complaint, (Doc. 10), is **DISMISSED WITH PREJUDICE**.

b. Defendant's Motion for Sanctions is **DENIED**.

4. The Clerk of Court is directed to **CLOSE** this case.

A handwritten signature in black ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani  
United States District Court Judge